

12th Annual Indiana LEPC Conference

The Indiana Emergency Response Commission (IERC) hosted the 12th Annual Indiana Local Emergency Planning Committee (LEPC) Conference at the Marriott East Hotel in Indianapolis on October 22, 2004. The conference was held in conjunction with that of the Indiana Emergency Alliance of Indiana (IEMA), whose conference was held in the same venue on October 23rd and 24th.

The keynote speaker at the LEPC conference, Bill Finan, Program Analyst in the US Environmental Protection Agency's Office of Emergency Management, gave a well-received presentation entitled "National Preparedness and Indiana LEPCs". His extensive experience with the Emergency Planning and Community Right-to-Know



Outgoing IERC Chairman Luther Taylor, Sr. (l) presents to former IERC Chairman Patrick Ralston the IERC Chairman's award for the latter's outstanding service in that capacity from 1997 to 2004.

In This Issue

EMA/IERC Conference.....	p.1
Chairman's Corner.....	p.2
Field Notes.....	p.3
EPA Enforcement Initiatives.....	p.8



IERC members and staff (l-r) Ian Ewusi-Wilson, Dean Larson, C.R. Brown, Jim Pridgen, Dave Crose, Sherman Greer, Laura Steadham, and Kathy Dayhoff-Dwyer pose with Sam George, recipient of the Greg Phillips Award.



Luther Taylor, Sr., IERC Chairman, receives the IERC Service Award from Dave Crose (l) and Mike Bigler.

Act (EPCRA) since its inception singularly qualified him to address the many challenges and opportunities facing LEPCs in the 21st century.

In addition to providing attendees the opportunity to hear Mr. Finan and other speakers make presentations regarding chemical emergency preparedness, emergency response, and regulatory enforcement, and to network

CHAIRMAN'S CORNER

by Luther J. Taylor Sr., Chairman, Indiana Emergency Response Commission

This is the New Year, not Thanksgiving, but it is a time for thanks to everyone with whom I've worked as Executive Director of the State Emergency Management Agency (SEMA)/ Department of Fire and Building Services (DFBS) and as Chairman of the Indiana Emergency Response Commission (IERC), for a great 2004. This is my final Chairman's Corner. On January 3, I returned to South Bend to my previous life as Fire Chief. As Frank Sinatra once sang, "Regrets, I've had a few, but far too few to mention." It's not regrets I want to express, but my gratitude to some of those people whom I've come to know and respect during my nine months in Indianapolis.

We'll start with the 12th Annual Local Emergency Planning Committee (LEPC) Conference in October. It was another resounding success because of the efforts of all of those behind the scenes who made it happen. I want to thank the LEPC Conference Committee and Commissioner Steve Wettschurack, President of the Emergency Management Alliance of Indiana, for playing such a huge role in the event. I also want to thank luncheon speaker Bill Finan of the US Environmental Protection



Agency for coming in from Washington, DC to update us on USEPA's national activities and on the evolving role of LEPCs.

At the Conference luncheon, it was my pleasure to give former Chairman Pat Ralston the Chairman's Award for service to the IERC as its Chair from 1997 to 2004. Also, congratulations to Sam George for receiving the coveted Greg Phillips Award. Sam, Jefferson County LEPC Chair from 1988-2005, had faithfully served the IERC as a Commissioner since 1995. He stepped down from his duties at the end of 2004 as the result of new responsibilities for his company.

Some big thanks to:

- Shawn Walke for a fine 4 ½ years as the IERC's secretary. In November, she received the Chairman's Award for her service.
 - Sherman Greer, Ken Rogers, Bill Arend, Dave Crose, and Alden Taylor for putting together *The Sercular*.
 - All of the IERC members for their efforts to protect the citizens of Indiana,
 - Our outstanding field representatives, Kathy Dayhoff-Dwyer and Ian Ewusi-Wilson, for their great job of working with and encouraging LEPCs.
- I look forward to working with the LEPC in St. Joseph County with a new understanding of an LEPC's responsibilities and of everything the IERC does to support LEPCs.
- At my retirement luncheon, Mike Bigler presented me with a plaque from the Commission. I deeply appreciate the honor.
- It has been a great experience working with the IERC and I look forward to seeing and supporting its continued success.
- I usually end with "Til next issue", but now it's "Til we meet again." Goodbye to all of my newfound friends. I'll miss you.

FIELD NOTES

by Ian Ewusi-Wilson and Kathy Dayhoff-Dwyer



Greetings and Happy New Year, Good Citizens!

Once again, we would like to take this opportunity to thank all compliant Local Emergency Planning Committees (LEPCs) for their continued efforts in maintaining and sustaining their LEPCs. To those LEPCs

working on becoming compliant, please note that your field representatives are familiar with some of the hurdles you may encounter and that we are on the ready to help you through it all.

The general mandate/duties of your field representatives may be broadly defined as follows:

- Provide a link between the Indiana Emergency Response Commission (IERC) and LEPCs
- Identify existing LEPCs (compliant and noncompliant)
- Provide assistance to LEPCs (resurrecting, maintaining, sustaining)
- Identify functioning/nonfunctioning LEPC operational systems

Your field representatives take these duties seriously, so remember that we are only a phone call away. In the meantime, here are some recommendations for LEPC chairpersons and/or leadership:

- Let your members know that their contributions of information, talent, and/or organizational participation are valuable to your LEPC.
 - Have meeting agendas with time constraints to show members that their volunteered time is very important.
 - Make your meetings productive and valuable to members by including and discussing topics of interest to members.
 - Give members a sense of LEPC-ownership by encouraging their participation in the selection of meeting topics.
 - Set achievable goals with milestones throughout the year.
- Ensure that these goals are discussed and met as the year progresses.
- Conduct LEPC visits with Tier II - reporting facilities.
 - This may allow facilities and LEPCs to become better acquainted with each other and with the vital roles they each play in their respective communities.
 - Ensure that your LEPC is meeting the timeline for the funding requirements set by the IERC.



As we begin a brand-new year, we would like to recap some of the significant events for the IERC during the past year:

1. There was a changing of the guard for both the chairperson and vice-chairperson of the IERC. While this change is significant, we are sure that our new leadership will be successful in leading the IERC and the LEPCs. We hope you will join us in welcoming this change.

2. Your field representatives conducted several CAMEO workshops in which we were able to train participants on the use of the new CAMEO program and its associated enhancement programs. Some the participants included personnel/officials from LEPCs, fire departments, hazmat teams, and other emergency response agencies. We plan to continue with these workshops as long as there is a need for them.

3. The IERC provided another electronic option for Tier II reporting. This option is *Tier 2 Submit*, a free software program developed by the U.S. EPA to help facilities prepare electronic chemical inventory reports (Tier II). Your field representatives have conducted a number of workshops throughout the state and will continue to do so.

In this new year, it is our hope that your LEPC is re-energized and empowered to manage your county's emergency planning operations. Your field representatives would like to leave you with these thoughts:

- The spirit of EPCRA is to provide local governments and the public with information about possible chemical hazards in their communities/counties so that appropriate responses will be instituted by local governments to address accidental chemical releases when they occur.
- County boundaries do not prevent/protect your counties/communities from the hazards of accidental chemical releases from neighboring counties/communities. Plan for the very real possibility that a release originating in an adjoining county may be carried by wind currents into yours.
- Be aware: "Somewhere in time a disaster lurks. Prepare now!" (Courtesy of Lake County LEPC).

AWARDS.....from page 1

with other chemical emergency planners and responders, they were able to participate in the Annual LEPC Awards Program.

Each year the IERC evaluates nominations of Indiana LEPCs who have done outstanding work in one or more of the following awards categories: Planning, Hazards Analysis, Training, Data Management, Commodity Flow Studies, Plan Exercises, Outreach to the Public, Outreach to Reporting Chemical Facilities, Administrative Achievement, Contributions to the Work of the IERC, and Special Projects.

All together, 16 LEPCs were recognized at this year's conference for their outstanding accomplishments in one or more of the award categories.

In addition to the awards to LEPCs, three individuals were recognized for their outstanding contributions to Indiana's SARA Title III Program. Patrick Ralston, IERC Chairman from 1997 to 2004 was presented with the Chairman's Award by IERC Chairman Luther Taylor, Sr., as was Shawn Walke, IERC Secretary from July, 2000 to to January, 2005. Sam George, IERC member from 1995 to 2005, and IERC Policy Committee Chairman from 1996 to 2005 was given the Greg Phillips Award for his excellent and longstanding service to the program, both as an IERC member and as an LEPC Chairman. (See picture and text on pp. 1).

Mr. George is Vice-President of Corporate Affairs for Madison Chemical Company in Madison, Indiana. A graduate of Hanover College with a BA in mathematics in 1975, he attended the University of Louisville School of Law from 1981 to 1983, earning a doctorate in Jurisprudence (JD). As Vice-President of Madison Chemical from 1988 to the present, he is responsible for all environmental, health, and safety regulatory compliance for this specialty chemical manufacturing firm with 65 employees, and is also General Counsel to the company.

He accepted the chairmanship of the Jefferson County LEPC in January of 1988, and served in that capacity until January of 2005. During his tenure as Chairman, the Jefferson County LEPC was twice recognized for its outstanding work by USEPA Region V, and received 20 awards for excellence in its implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA) in Indiana. Some of the accomplishments of the Jefferson County LEPC include conducting a hazardous materials commodity flow study on the Ohio

River from Posey through Dearborn Counties; conducting a highway hazardous materials commodity flow study in Jefferson County and the 5 counties surrounding it; creating a totally electronic version of the Jefferson County Hazardous Materials Plan, including detailed drawings, diagrams, and photos of all reporting chemical facilities in the county; and assisting in the development of the Madison Township Hazmat Response Team, which is recognized by the State Fire Marshal's Office as the Regional Hazmat Response Team for Indiana's Region 9.

Appointed to the Indiana Emergency Response Commission (IERC) by Governor Evan Bayh in 1995, Mr. George served on the IERC's Policy, Communications, Fiscal, Technical, and Legislative Committees, chairing the Policy Committee from 1996 to 2005. Among its other accomplishments during his chairmanship, the Policy Committee created the IERC's Policy Manual in electronic format, and established the policy for combining counties into multi-county emergency planning districts.

The following Indiana LEPCs received the awards indicated:

Brown County LEPC: Outreach to the Public
 Henry County LEPC: Outreach to the Public
 Jefferson County LEPC: Outreach to the Public, Planning, Plan Exercise
 Jennings County LEPC: Plan Exercise
 Johnson County LEPC: Training, Plan Exercise
 Lake County LEPC: Training, Outreach to the Public, Planning, Contributions to the Work of the IERC
 LaPorte County LEPC: Plan Exercise
 Marion County LEPC: Outreach to Facilities
 Porter County LEPC: Outreach to the Public
 Ripley County LEPC: Contributions to the Work of the IERC
 St. Joseph County LEPC: Contributions to the Work of the IERC
 Vanderburgh County LEPC: Training
 Vigo County LEPC: Plan Exercise, Outreach to the Public, Planning
 Wabash County LEPC: Outreach to the Public, Data Management
 Wells County LEPC: Special Projects
 White County LEPC: Plan Exercise, Outreach to Facilities

AWARDS.....from page 1



USEPA's Bill Finan was the featured speaker at the LEPC Conference.



Bob Brown (l) and Dan Allen, Wabash County LEPC, accept award from C.R. Brown, IERC (l).



Sam Mathis, Brown County LEPC, accepts award from IERC's Jim Pridgen.



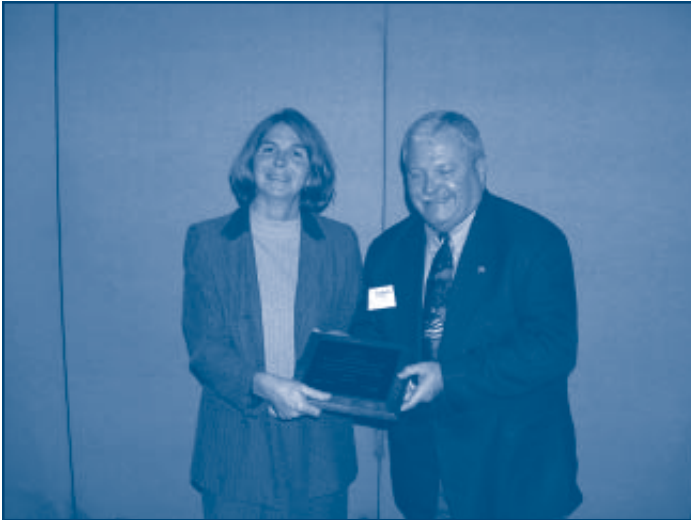
Mike Bowlby (l) and Ed Johnson, Shelby County LEPC accept award from Sam George, IERC (r).



Marlene Thrawley, Henry County LEPC, accepts award from IERC's Sherman Greer.



Anita Spiegel (l) and Becky Grimm, Adams County LEPC, accept award from IERC member Jim Pridgen.

AWARDS.....from page 1


Marion County LEPC's Pam Thevenow accepts award from IERC's Dean Larson.



LaPorte County LEPC's Roger Wolff accepts award from IERC's Sam George (r).



Steve Salomon (r) , White County LEPC, accepts IERC award from Sherman Greer.



Forrest Sutton, Johnson County LEPC, accepts award from Dean Larson, IERC.



Shawn Walke, IERC Secretary, accepts the IERC Chairman's award from IERC Chairman Luther Taylor, Sr., (l) and Dave Crose.



The Jefferson County LEPC's (l-r) Gary Lewis, John Keeton, Joseph Warren, Robert Black, Sam George, and Jim Plum with one of their LEPC's three awards.

AWARDS.....from page 1



Kenny Zuber and Christine Martin (center) accept the Vanderburgh County LEPC's award from Sherman Greer and Jim Pridgen (r).



Dean Larson, Lake County LEPC, accepts one of his LEPC's four awards from the IERC's Jim Pridgen (l) and Sam George.



The Vigo County LEPC's (l-r) Gordon Pleus, Louise Anderson, Dr. Darene Hojnicky, and Jon Bacon accept award from Sam George (r).



Ripley County LEPC's Janice Hosmer (l) and Pat Thomas (r) accept their LEPC's award from Sherman Greer and Jim Pridgen (r).



Jerri Lehman and Paul Perry, Wells County LEPC, accept award from Sam George (r).



Jeanne Mahoney, St. Joseph County LEPC, accepts award for her LEPC from Sam George.

The *SERCULAR* is the newsletter of the Indiana Emergency Response Commission

Mitchell E. Daniels, Jr., Governor
Luther J. Taylor, Sr., IERC Chair
Lori Kaplan, IERC Vice-Chair
Sherman Greer, *SERCULAR* Editor
Ken Rogers, *SERCULAR* Managing Editor

Communications Committee Members/Editorial Advisors:

David Crose, SEMA
James Pridgen, IERC
Alden Taylor, SEMA
Ian Ewusi-Wilson, SEMA
Kathy Dayhoff-Dwyer, SEMA

The *SERCULAR*

302 W. Washington Street, Room E-208
Indianapolis, IN 46204-2560
(317) 232-3830
<http://www.in.gov/sema/ierc/index2.html>



For Additional Information Call 1-800-434-9974

EPA Enforcement Initiatives

Examples of improvements to the environment resulting from enforcement of the Emergency Planning and Community Right to Know Act (EPCRA) are shown in the following cases, used as examples of enforcement achievements. (From USEPA's website: www.epa.gov)

Palmetto Paving Corp. - Region 4

In February, 2001, Region 4 filed a consent agreement/final order (CAFO) against Palmetto Paving Corporation of North Conway, South Carolina for failing to submit Material Safety Data Sheets for diesel fuel, liquid asphalt and propane to the proper authorities as required by EPCRA Section 311, and for failing to submit emergency and hazardous chemical inventory forms as required under EPCRA Section 312, for the years 1997-1999. Under the terms of the CAFO, Palmetto will pay a civil penalty of \$3,985 and perform a Supplemental Environmental Penalty (SEP) valued at \$15,725. For the SEP, Palmetto will purchase emergency response equipment for the Horry County Local Emergency Preparedness Department within 60 days of the filing of the CAFO.

Premcor Refining Group, Inc. - Region 5

In November, 2000, Region 5 entered into a consent agreement/final order (CAFO) with the Premcor Refining Group, Inc. In the agreement Premcor agreed to pay a civil penalty of \$56,250 and complete an SEP valued at more than \$330,000. The agreement resolved all claims stemming from a complaint filed on June 30, 1999. The 34-count complaint alleged various EPCRA violations,

including failure to submit toxic chemical reporting forms (Form Rs) and failure to maintain records. The violations were documented in a 1300-page inspection report with 2000 pages of supporting exhibits. In addition to the financial penalty, Premcor's SEP will be the installation within 18 months of a waste oil centrifuge, at a cost of \$330,000.

Guide Corp. - Region 5

In June, 2001, the United States and the State of Indiana lodged a consent decree settling violations alleged against Guide Corporation for its role in a massive fish kill on the White River. The settlement calls for a total payment of \$10,025,000, to be paid in the following increments: (1) \$6 million into two White River Restoration Funds designed to restock the fish; (2) \$2 million in a civil penalty to be split equally with the State of Indiana; and (3) \$2,025,000 in federal and state costs. An amended complaint filed contemporaneously with the consent decree alleged that Guide violated: (1) the hazardous waste record keeping, storage and disposal requirements of RCRA; (2) CERCLA §103, which requires notification of the national response center when a hazardous substance is released into the environment; and (3) EPCRA §304, which requires commensurate notifications of state and local response entities. The consent decree also settles state Clean Water Act, Natural Resource Damages, Resource Conservation and Recovery Act, and common law claims. The United States will continue to pursue its claims against the remaining defendant, Crown EG, Inc.